

1 Stuart C. Talley (State Bar No. 180374)
2 Email: stalley@kcrlegal.com
3 **KERSHAW, CUTTER & RATINOFF LLP**
4 401 Watt Avenue
5 Sacramento CA 95864
6 Telephone: (916) 448-9800
7 Facsimile: (916) 669-4499

8 Mark J. Tamblyn (State Bar No. 179272)
9 Email: mjt@wtwlaw.com
10 **WEXLER TORISEVA WALLACE LLP**
11 1610 Arden Way, Suite 290
12 Sacramento, CA 95815
13 Telephone: (916) 568-1100
14 Facsimile: (916) 568-7890

15 Attorneys for Individual and Representative
16 Plaintiff Michael Simon

17
18 **UNITED STATES DISTRICT COURT**
19
20 **NORTHERN DISTRICT OF CALIFORNIA**
21
22 **SAN FRANCISCO DIVISION**

23 MICHAEL SIMON, individually, and on
24 behalf of all others similarly situated,

25 Plaintiffs,

26 v.

27 TOSHIBA AMERICA, INC., a Delaware
28 Corporation and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a
California corporation,

Defendants.

Case No. CV07-6202 EMC

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE OF DEFENDANT
TOSHIBA AMERICA, INC.**

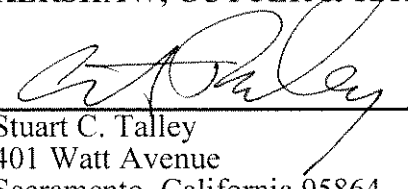
1 Plaintiff, individually, and on behalf of all others similarly situated, by and through his
2 undersigned counsel, hereby files this notice of voluntary dismissal of his complaint as to
3 Defendant TOSHIBA AMERICA, INC. only, without prejudice, pursuant to Rule 41(a)(1) of the
4 Federal Rules of Civil Procedure.

5
6 DATED: January 23, 2008.

Respectfully submitted,

7 **KERSHAW, CUTTER & RATINOFF LLP**

8
9 By:


Stuart C. Talley
401 Watt Avenue
Sacramento, California 95864
Telephone: (916) 448-9800
Facsimile: (916) 669-4499

12 Mark J. Tamblyn
13 **WEXLER TORISEVA WALLACE LLP**
14 1610 Arden Way, Suite 290
15 Sacramento, California 95815
16 Telephone: (916) 568-1100
17 Facsimile: (916) 568-7890

18
19 Attorneys for Individual and Representative
20 Plaintiff Michael Simon
21
22
23
24
25
26
27
28